

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

KELORA SYSTEMS, LLC,

Plaintiff,

v.

TARGET CORPORATION; OFFICEMAX  
INCORPORATED; SHOPKO STORES  
OPERATING CO., LLC; BRIGGS &  
STRATTON CORPORATION; CHELSEA &  
SCOTT, LTD., d/b/a ONE STEP AHEAD &  
LEAPS AND BOUNDS; NATIONAL  
BUSINESS FURNITURE, LLC;  
BUYONLINENOW, INC.; ROCKLER  
COMPANIES, INC.; IDW, LLC, d/b/a ID  
WHOLESALE; 1-800-FLOWERS.COM,  
INC.; PC CONNECTION, INC.; EASTBAY,  
INC.; and MASON COMPANIES, INC.,  
d/b/a MARYLAND SQUARE,

Defendants.

Case No. 10-CV-683

**ORIGINAL COMPLAINT FOR  
PATENT INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

Plaintiff Kelora Systems, LLC (“Kelora”), for its Complaint against Defendants Target Corporation, OfficeMax Incorporated, ShopKo Stores Operating Co., LLC, Briggs & Stratton Corporation, Chelsea & Scott, Ltd., d/b/a One Step Ahead & Leaps And Bounds, National Business Furniture, LLC, BuyOnlineNow, Inc., Rockler Companies, Inc., IDW, LLC, d/b/a ID Wholesaler, 1-800-Flowers.com, Inc., PC Connection, Inc., Eastbay, Inc., and Mason Companies, Inc., d/b/a Maryland Square (collectively, “Defendants”), alleges as follows:

**PARTIES**

1. Plaintiff Kelora is a Delaware limited liability company with a place of business at 19925 Stevens Creek Boulevard, Suite 100, Cupertino, California 95014.

2. Defendant Target Corporation is a Minnesota corporation with a place of business at 1000 Nicollet Mall, Minneapolis, Minnesota 55403.

3. Defendant OfficeMax Incorporated is a Delaware corporation with a place of business at 263 Shuman Boulevard, Naperville, Illinois 60563.

4. Defendant ShopKo Stores Operating Co., LLC, is a Delaware limited liability company with a place of business at 700 Pilgrim Way, Green Bay, Wisconsin 54304.

5. Defendant Briggs & Stratton Corporation is a Wisconsin corporation with a place of business at 12301 W. Wirth Street, Wauwatosa, Wisconsin 53222.

6. Defendant Chelsea & Scott, Ltd., is an Illinois corporation registered to do business under the assumed names One Step Ahead and Leaps And Bounds, with a place of business at 75 Albrecht Drive, Lake Bluff, Illinois 60044.

7. Defendant National Business Furniture, LLC, is a Delaware limited liability company with a place of business at 735 N. Water Street, Suite 440, Milwaukee, Wisconsin 53202.

8. Defendant BuyOnlineNow, Inc., is a Minnesota corporation with a place of business at 4865 19th Street NW, Rochester, Minnesota 55901.

9. Defendant Rockler Companies, Inc., is a Minnesota corporation with a place of business at 4365 Willow Drive, Hamel, Minnesota 55340.

10. Defendant IDW, LLC, is a Florida limited liability company registered to do business under the assumed name ID Wholesaler, with a place of business at 18640 Lake Drive E., Chanhassen, Minnesota 55317.

11. Defendant 1-800-Flowers.com, Inc., is a Delaware corporation with a place of business at One Old Country Road, Suite 500, Carle Place, New York 11514.

12. Defendant PC Connection, Inc., is a Delaware corporation with a place of business at 730 Milford Road, Merrimack, New Hampshire 03054.

13. Defendant Eastbay, Inc., is a Wisconsin corporation with a place of business at 111 South First Avenue, Wausau, Wisconsin 54401.

14. Defendant Mason Companies, Inc., is a Wisconsin corporation doing business under the assumed name Maryland Square, among others, with a place of business at 1251 First Avenue, Chippewa Falls, Wisconsin 54774.

### **JURISDICTION**

15. This is an action for patent infringement, arising under the patent laws of the United States, Title 35 of the United States Code, Sections 271 and 281 through 285. This Court has jurisdiction over the subject matter of this action pursuant to Title 28 of the United States Code, Sections 1338(a) and 1331.

16. Defendants are subject to personal jurisdiction in this Court because they do business in Wisconsin, including but not limited to, by offering and providing goods and services in Wisconsin. In addition, Kelora's cause of action here arises from business done in Wisconsin by Defendants.

### **VENUE**

17. Venue is proper in this District under Title 28 of the United States Code, Sections 1391(b), (c) and (d), and 1400(b).

### **BACKGROUND**

18. Kelora is the owner by assignment of all right, title and interest in U.S. Patent No. 6,275,821 ("821 patent"), entitled, "Method and system for executing a guided parametric

search,” which was duly and properly issued by the U.S. Patent & Trademark Office on August 14, 2001. A true and correct copy of the ‘821 patent is attached as Exhibit A.

19. A reexamination certificate for the ‘821 patent was duly and properly issued by the U.S. Patent & Trademark Office on November 2, 2010. A true and correct copy of the reexamination certificate for the ‘821 patent is attached as Exhibit B.

**CLAIM FOR RELIEF  
INFRINGEMENT OF U.S. PATENT NO. 6,275,821**

20. Kelora incorporates the foregoing Paragraphs 1 through 19 as though fully set forth herein.

21. Defendants, and each of them, have infringed and continue to infringe the ‘821 patent by, inter alia, making and using parametric search systems, including web-based parametric search systems, and performing parametric searches that infringe the ‘821 patent.

22. By reason of the acts of Defendants alleged herein, Kelora has suffered damage in an amount to be proved at trial.

23. Defendants threaten to continue to engage in the acts complained of herein and, unless restrained and enjoined, will continue to do so, all to Kelora’s irreparable injury. It would be difficult to ascertain the amount of compensation that would afford Kelora adequate relief for such future and continuing acts, and a multiplicity of judicial proceedings would be required. Kelora does not have an adequate remedy at law to compensate it for the injuries threatened.

**PRAYER FOR RELIEF**

WHEREFORE, Kelora demands judgment as follows:

A. That Defendants and their parents, affiliates, subsidiaries, officers, agents, servants, employees, attorneys, successors, and assigns, and all those persons in active concert or participation with them, or any of them, be preliminarily and permanently enjoined and

restrained from making, importing, using, offering for sale, selling, or causing to be sold any product or service falling within, or designed to conduct a method falling within, the scope of any claim of the '821 patent, or otherwise infringing or contributing to or inducing infringement of any claim of the '821 patent;

B. That Defendants and their parents, affiliates, subsidiaries, officers, agents, servants, employees, attorneys, successors, and assigns, and all those persons in active concert or participation with them, or any of them, be ordered to destroy or offer up to Kelora for destruction any and all products or services within the scope of any claim of the '821 patent that are within Defendants' possession, custody, or control;

C. That Kelora be awarded its actual damages, including lost profits and price erosion, but in no case less than a reasonable royalty, to be assessed by or under the Court's discretion, adequate to compensate Kelora for Defendants' infringement of the '821 patent;

D. That Kelora be awarded pre-judgment interest and post-judgment interest at the maximum rate allowed by law;

E. That the Court order an accounting for damages;

F. That the Court declare this to be an exceptional case pursuant to 35 U.S.C. Section 285 and award Kelora its attorneys' fees;

G. That the Court award enhanced damages pursuant to 35 U.S.C. Section 284 due to the willful and wanton nature of Defendants' infringement of the '821 patent;

H. That Kelora be awarded costs of court; and

I. That Kelora be awarded such other and further relief as the Court deems just and proper.

**DEMAND FOR A JURY TRIAL**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Kelora demands a trial by jury on all issues triable of right by a jury.

DATED: November 8, 2010

Respectfully submitted,

By: /s/ Catherine Cetrangolo  
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